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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/323,135	06/01/1999	CHRISTIAN LAROQUE	Q054622	8820

7590 03/26/2004

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EXAMINER--

PHILPOTT, JUSTIN M

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 03/26/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/323,135

Applicant(s)

LAROQUE ET AL.

Examiner

Justin M Philpott

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed January 7, 2004 with respect to the newly amended claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,949,871 to Kabay et al. in view of U.S. Patent No. 5,940,438 to Poon et al.

Regarding claims 1 and 3, Kabay teaches a switch (e.g., EO1 of FIGS. 6-12) provided with a signaling coupler (e.g., intercept box), the switch including an interpreter to produce a signaling configuration (e.g., signaling message, such as Initial Address Message, comprising service trigger conditions, see col. 7, line 2 – col 8, line 11) upon receiving a predetermined character string (e.g., dialed number, DN) corresponding to an order to send a signaling message, the signaling configuration (e.g., signaling message comprising service trigger conditions) depending on the signaling resources accessible to the coupler (e.g., service trigger condition data stored in a database, see col. 13, lines 10-19), the coupler including a receiver for adding a

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receive flag (e.g., location routing number coupled with flag, see col. 16, lines 2-67, specifically lines 44-67) to a received signaling message (e.g., IAM).

However, Kabay may not specifically disclose the signaling configuration depends upon a type of signaling channels accessible to the coupler.

Poon also teaches a signaling coupler (e.g., universal modem 40, see FIGS. 1-5A, 10 and 11) carrying voice and data traffic, and further teaches a signaling configuration (e.g., modulation format) depends upon a type of signaling channels accessible to the coupler (e.g., see col. 2, lines 35-42). The teachings of Poon provide an improved device for coupling a plurality of voice and data traffic, including telephone communications (e.g., see col. 3, lines 6-28), via a universally adaptable modulation technique whereby additional services are provided without increased cost and complexity (e.g., see col. 1, line 66 – col. 2, line 24). Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the voice and data traffic signaling teachings of Poon to the voice and data traffic signaling system of Kabay in order to provide an improved device for coupling a plurality of voice and data traffic, including telephone communications (e.g., see col. 3, lines 6-28), via a universally adaptable modulation technique whereby additional services are provided without increased cost and complexity.

Regarding claims 2 and 4, Kabay further teaches the coupler (e.g., intercept box) has a detector (e.g., database lookup) for recognizing whether the received signaling message is addressed to the switch (e.g., see col. 17, lines 12-15), and processing the message accordingly, and a translator for replacing the receive flag (e.g., comprising location routing number, or LRN) with the predetermined character string (e.g., dialed number, or CdPN) if the switch is not itself

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the destination (e.g., see col. 7, lines 62-65 wherein the LRN will be the same as the original CdPN for non-ported customers).

Regarding claims 5 and 7, Kabay teaches the interpreter is configured to process an IP protocol (e.g., see col. 18, lines 32-38).

Regarding claims 6 and 8, the interpreter in the switch (e.g., EO1) of Kabay comprises a programmed operation (e.g., see col. 5, lines 52-59) and thus implicitly comprises one of: (a) a microprocessor associated with a program, and (b) a working session in a processor running the switch.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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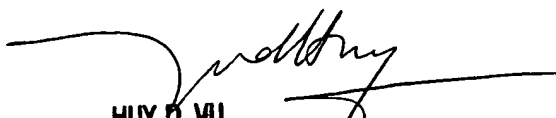
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M Philpott whose telephone number is 703.305.7357. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on 703.308.6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin M Philpott



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600